

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION**

Freedom From Religion Foundation, Inc.,
a Wisconsin non-profit corporation,

Robert Moss and Melissa Moss; and

Ellen Tillett, individually and as general guardian
of her minor child;

Plaintiffs,

V.

Spartanburg County School District No. 7,

Defendant.

Case No. 7:09-cv-1586-HMH

STIPULATION OF NONJURY TRIAL

Pursuant to Federal Rule of Civil Procedure 39(a)(1), the parties, through counsel, stipulate to a nonjury trial in this matter.

Defendant has stipulated to nonjury trial based on Plaintiffs' agreement not to seek "other relief as merited," as stated in the prayer for relief in their Third Amended Complaint, Dkt. 57 at 14. The parties stipulate that Plaintiffs are seeking only: (1) nominal damages of \$4.00 total; (2) declaratory relief; and (3) attorney's fees and costs pursuant to 42 U.S.C. § 1988. *See* Dkt. 57 at 14.

Respectfully submitted, January 27, 2011.

s/ Aaron J. Kozloski

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